KNOW YOUR RIGHTS

3 LEVELS OF POLICE/CITIZEN ENCOUNTERS

CONSENSUAL | INVESTIGATIVE DETENTION | ARREST

IV AMENDMENT

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

EVEN IF YOU ARE NOT A U.S. CITIZEN

CONSENSUAL

Casual conversation

EVIDENCE LEVEL REQUIRED: ZERO

What brings you out here today?

Am I free to leave?

Yes / No

Am I required to show ID?

Yes / No

Legal search:

Consensual or plain sight

OFFICER KNOCKS ON DOOR TO ASK IF YOU SAW ANYTHING

INVESTIGATIVE DETENTION

Temporary detainment for further info

EVIDENCE LEVEL REQUIRED: REASONABLE ARTICULABLE SUSPICION

Do you know why I stopped you?

Am I free to leave?

No

Am I required to show ID?

No / Yes

26 STATES

Legal search

Frisk, plain sight, or consensual

OFFICER OBSERVES YOU WEARING A SKI MASK AT NIGHT

ARREST

Taken into police custody

EVIDENCE LEVEL REQUIRED: PROBABLE CAUSE OR WARRANT

You have the right to remain silent.

Am I under arrest?

Yes

Am I required to show ID?

Yes

Legal search

Frisk, plain sight, consensual, or warrant

OFFICER CATCHES YOU BREAKING AND ENTERING

WARNING SIGNS COPS LOOK FOR

- PAPER TAG
- DARE / POLICE DECALS
- COLLEGE ATTIRE
- GANGSTER ATTIRE

Potential reasons for suspicion

SUSPICIOUS PARAPHERNALIA

- CROWBAR
- SLIM JIM
- WEAPONS
- SPRAY PAINT
- ROLLING PAPERS
- BAGGIES / SCALES
- WEAPONS
- PIPES

BEST PRACTICES FOR EXERCISING YOUR RIGHTS SAFELY

TIPS TO REDUCE EXPOSURE TO SUSPICION

Always:

- BE POLITE
- BE RESPECTFUL
- KEEP HANDS VISIBLE
- ASK TO LEAVE OFTEN
  Not asking = voluntarily staying
- ASK FOR CAUSE
  Officers must articulate observed suspicions
- ASK IF REQUESTS ARE ORDERS
- RECORD ENCOUNTER IMMEDIATELY
  Audio and video recording laws differ state by state
  (that you can always write down the encounter after it occurs)
- REPORT ANY VIOLATIONS OF YOUR RIGHTS

IF PULLED OVER WHILE IN A VEHICLE

DO

Only crack door/window unless ordered to open fully.

REMEMBER

A POLICE REQUEST IS NOT AN ORDER

Clarify if it's an order or a request

KEEP ITEMS THAT MIGHT DRAW ATTENTION OUT OF PLAIN SIGHT

PRESCRIPTION BOTTLES / MEDICINE
HOOKAHS / ROLLING PAPERS
MEASURING SCALE / ZIPLOCK BAGS
FIREARMS / WEAPONS

Never:

- ANSWER QUESTIONS
- LIE OR GIVE FALSE DOCUMENTS
- GIVE PERMISSION TO A SEARCH WITHOUT FULLY READING A WARRANT
- ARGUE, RESIST, FLEE, OR OBSTRUCT
  Even if your rights are being violated

Filming A POLICE Encounter

YOU MAY LEGALLY VIDEO AND AUDIO RECORD

A POLICE OFFICER'S ACTIONS/ OFFICIAL DUTIES WHILE IN PUBLIC

Legally

OFFICER MAY NOT

- STOP / SEIZE / TAUP / EQUIPMENT
- DEMAND TO VIEW FOOTAGE
- DELETE WITHOUT A WARRANT

INDIVIDUAL MAY NOT

- INTERFERE WITH THE WITNESSED DUTIES
  (i.e., if officer says "place cuffs" you may)
- PHYSICALLY RESIST
  If officer reaches for your device, do not resist, just record it.

POLICE

POLICE MAY LEGALLY LIE, BLUFF, AND INTIMIDATE YOU

MOST AVOIDABLE ARRESTS

OCCUR FROM TRICKERY AND INTIMIDATION WHICH RESULT IN THE INDIVIDUAL:

- CONSENTING TO A SEARCH
- ADMITTING GUILT

REFUSING A SEARCH

OR REFUSING TO ANSWER INCRIMINATING QUESTIONS

are not ADMISSIONS OF GUILT, or REASONS TO DETAIN YOU

MIRANDA RIGHTS

ARE READ ONLY ONCE YOU ARE IN POLICE CUSTODY

Common POLICE TRICKS

TRICK QUESTION: "Have you had anything to drink tonight?"

BEST ANSWER: "Respectfully officer, I don't have to answer that."

"Not answering is suspicious, why are you resisting?"

"I'm not resisting, respectfully, I don't have to answer anything."

"If you have nothing to hide, you don't mind if I look around."

"I'm sorry officer, but I don't consent to searches."

"If you refuse a search, I'll have to call a K-9 unit."

"Officer, are you detaining me, or am I free to go?"

Breathalyzer

DO YOU HAVE TO TAKE IT?

NO, YOU HAVE THE RIGHT TO REFUSE.

But be warned, refusal is an automatic, irreversible suspension of driver's license.

BREATHALYZERS ARE TUNED TO THE "AVERAGE" PERSON

FALSE POSITIVE FACTORS

SMALLER PEOPLE | SMALL LUNG CAPACITY | DIABETES | ACID REFLUX (GERD) | LOW-CARB DIET | INHALERS | GUNKS (A HIGH CRIMES AID)

Roadblocks

DUI STOP Legal

Protection from "imminent public danger"

SAME RULES AS ANY OTHER TRAFFIC STOP

BORDER STOP Legal

Agents may legally search anything without warrant

SAME RULES AS ANY OTHER TRAFFIC STOP

DRUG STOP

The US Supreme Court ruled random checkpoints by the purpose of finding drugs are unconstitutional

DRUG CHECKPOINT IN 1 MILE

It's a Trap!

IS A POLICE TRAP, DO NOT EXIT

POLICE ARE LOOKING FOR REASONS TO PULL PEOPLE OVER:

- ILLEGAL U-TURNS
- LITTERING
- SUSPICIOUSLY EXITING

YOU HAVE RIGHTS Know them

PRESENTED BY

ONLINE-PARALEGAL-PROGRAMS.COM